

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

LEROY BROWN

CIVIL ACTION NO. 09-1477-P

VERSUS

JUDGE WALTER

JAMES LEBLANC, ET AL.

MAGISTRATE JUDGE HORNSBY

REPORT AND RECOMMENDATION

In accordance with the standing order of this court, this matter was referred to the undersigned Magistrate Judge for review, report and recommendation.

STATEMENT OF CLAIM

Before the court is a civil rights complaint filed in forma pauperis by pro se plaintiff Leroy Brown (“Plaintiff”), pursuant to 42 U.S.C. § 1983.¹ This complaint was received and filed in this court on August 18, 2009. Plaintiff is incarcerated at the David Wade Correctional Center in Homer, Louisiana. He claims his civil rights were violated by prison officials. He names James LeBlanc, Jerry Goodwin, Earl Benson, Antonio Turner, Michael Robinson, Reginald Jackson, Linda Ramsey, Colonel James Arnold, and Frank Reich as defendants.

¹Plaintiff has also raised numerous other claims and named numerous other defendants. These defendants include inmates Randall Basko, Shannon Stewart, Johnnie Johnson, Edward Timmons, Jimmie Peck, Leon Horne, Frederick Harris, Terrance Prudhomme, and Kerry Waskson. These additional claims were dismissed on May 9, 2013 [Doc. 21].

Plaintiff was ordered on March 27, 2013, to furnish the Clerk of Court in Shreveport, Louisiana, within thirty (30) days after service of that order, one (1) copy of the complaint, two (2) completed summonses, and one (1) USM 285 form for each remaining defendant in this action, for service [Doc. 19]. To date, Plaintiff has not done so.

Accordingly;

IT IS RECOMMENDED that Claim #6 regarding the violation of Plaintiff's constitutional rights and Claim #12 be **DISMISSED WITHOUT PREJUDICE**, sua sponte, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as interpreted by the court and under the court's inherent power to control its own docket. See Link v. Wabash Railroad Company, 370 U.S. 626, 82 S.Ct. 1386 (1962); Rogers v. Kroger Company, 669 F.2d 317, 320-321 (5th Cir. 1983).

OBJECTIONS

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court, unless an extension of time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the

District Judge at the time of filing.

A party's failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking, on appeal, the proposed factual findings and legal conclusions that were accepted by the district court and that were not objected to by the aforementioned party. See Douglas v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc).

THUS DONE AND SIGNED, in chambers, at Shreveport, Louisiana, on this 14 day of May 2013.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE